

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (CGM)  SIPA Liquidation  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff,  Plaintiff,  v.  TRINCASTAR CORPORATION,  Defendant.	Adv. Pro. No. 11-02731 (CGM)

**STIPULATION AND ORDER TO WAIVE ARGUMENT**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and defendant Trincastar Corporation (“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

**WHEREAS**, on July 29, 2022, Defendant filed a motion to dismiss the Trustee’s complaint [ECF No. 103], with a memorandum of law [ECF No. 104] and the declaration of Richard Levin [ECF No. 105] (the “Motion”); on September 28, 2022, the Trustee filed an Opposition to Defendant’s Motion [ECF No. 107] and the declaration of Kim M. Longo [ECF No. 108] (the “Opposition”); and on November 11, 2022, Defendant filed a reply in further support of its Motion [ECF No. 112] (the “Reply”, and together with the Motion and Opposition, the “Briefing”);

**WHEREAS**, pursuant to Defendant’s notice of motion [ECF No. 103], a hearing to consider the Motion was scheduled to be held on January 18, 2023, at 10:00 am; and

**WHEREAS**, the Parties have conferred and agree to rest on their papers and waive oral argument on the Motion.

**IT IS HEREBY STIPULATED AND AGREED**, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 am on January 18, 2023 to consider the Motion is hereby cancelled and removed from the Court’s calendar.
2. The Parties request that the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: January 4, 2023  
New York, New York

**WINDELS MARX LANE &  
MITTENDORF, LLP**

By: /s/ Kim M. Longo

Robert J. Luddy

Kim M. Longo

Alex Jonatowski

156 West 56th Street

New York, New York 10019

Telephone: (212) 237-1000

rluddy@windelsmarx.com

klongo@windelsmarx.com

ajonatowski@windelsmarx.com

*Special Counsel to Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff*

**JENNER & BLOCK LLP**

By: /s/ Richard Levin

Richard Levin

Carl Wedoff

1155 Avenue of the Americas

New York, New York 10036

Telephone: (212) 891-1600

rlevin@jenner.com

cwedoff@jenner.com

Vincent E. Lazar

353 N. Clark Street

Chicago, Illinois 60654

Telephone: (312) 222-9350

vlazar@jenner.com

*Counsel for Defendant Trincastar  
Corporation*

**SO ORDERED:**

**Dated: January 5, 2023  
Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**